

Supreme Court

In re Amendments to Rules of Appellate :
Procedure :

ORDER

Section 1. The Supreme Court Rules of Appellate Procedure, contained in Article I of the Supreme Court Rules, are hereby amended in accordance with the attached revisions proposed by the Supreme Court Bench/Bar Rules Subcommittee (the Subcommittee). (Exhibit A) The Subcommittee’s explanatory summaries of the rule amendments, as set forth in the attached “Memorandum” accompanying the amended rules (Exhibit B) and in Section 2 hereof, are also hereby approved by this Court and shall serve as an interim commentary to these rule changes, pending a more comprehensive review and revision of the existing Reporter’s Notes to the rules.

Section 2. The summary of Rule 16 amendments contained in the Subcommittee’s attached “Memorandum” shall be amended by adding after the first sentence of the present summary, the following sentence as regards Rule 16(a):

“Rule 16(a) has been amended after the example of Rule 28(a)(9)(B) of the Federal Rules of Appellate Procedure so as to require counsel to discuss the standard of review in respect to each issue raised on appeal.”

Section 3. The current “Reporter’s Notes” to Rule 8 of the Rules of Appellate Procedure are hereby deleted, and the following revised “Reporter’s Notes” are hereby approved by this Court in substitution therefor:

This rule is patterned upon Federal Appellate Rule 8. Because a final decree of the Workers' Compensation Court can only be stayed by the Supreme Court during pendency of a petition to review, such decrees are excepted from the rule's requirement that stays ordinarily should be sought in the trial court. A supersedeas bond ordinarily is required as a condition of a stay of execution of a monetary judgment. See Super. R. Civ. P. 62(d), eliminating automatic stay (which was the prior Rhode Island practice) and, subject to the exceptions contained in subdivision (a) of Rule 62, requiring the appellant in most cases to give a supersedeas bond to obtain a stay. *Nunes v. Meadowbrook Development Co., Inc.*, 807 A.2d 943, 944 n.1 (R.I. 2002 (mem.) ("to obtain a stay of proceedings to enforce a money judgment, including execution, the court ordinarily should require the appellant to post a bond in an amount that will be sufficient to satisfy the judgment in full, together with costs, interest, and damages for delay, if for any reason the appeal is dismissed or the judgment is affirmed.")).

Section 4. The Notice of Appeal form appended as Form 1 to the attached amended rules shall replace and supercede any illustrative notice-of-appeal forms appended to the various trial court's rules of civil procedure.

Section 5. These amendments to the rules and reporter's notes shall be effective on *November 25, 2003* and shall govern all civil and criminal appeals thereafter filed and also all further proceedings and appeals then pending, except to the extent that, in the opinion of the court asked to apply or to excuse compliance with the amended rules, such application in a particular appeal pending when the amendments take effect would not be feasible or would work an injustice, in which event the former procedure shall apply.

Entered as an Order of this Court this 25th day of *November 2003*.

S/S
Williams, C. J.

S/S
Flanders, J.

S/S
Goldberg, J.

S/S
Flaherty, J.

S/S
Suttell, J.